

AMENDMENT UNDER 37 C.F.R. § 1.116
U. S. Application No. 09/986,410

REMARKS

Claims 1-14 are pending in the application, including new claims 6-14 added by the Amendment filed November 20, 2003.

By the present Amendment, Applicant seeks to cancel claims 12 and 13, amend claims 1 and 3, and add new claims 15 and 16.

As a preliminary matter, Applicant remarks that the Examiner has withdrawn new claims 7-11 from consideration as being directed to a non-elected invention.

Claim 3 is objected to due to a typographical error, which Applicant proposes to correct as suggested by the Examiner.

Claim 1 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Mueller et al. (US 6,373,074, hereafter "Mueller").

Claim 2 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Mueller in view of Kohda et al. (US 5,151,604, hereafter "Kohda").

Claims 3 and 4 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Mueller in view of Kohda and further in view of Goodman et al. (US 5,874,744, hereafter "Goodman").

Claims 5 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Mueller in view of Kohda and Goodman and further in view of Ohta (US 5,381,017).

Applicant submits that Mueller relates to an x-ray cassette for reading out of images stored on the sheet disposed within the cassette casing. Accordingly, Mueller does not teach an apparatus which also includes a radiation source for recording the image. It would not be obvious to include the radiation source in the cassette for the stated reasons of record, pertaining to image quality.

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The Examiner's general reliance on Fig. 7, element 10 does not support the rejection since no radiation source is included in the disclosed x-ray cassette. The remaining claims are patentable based on their dependency. The secondary references do not make up for deficiencies of the primary rejection.

Further, claim 1, as sought to be amended, includes features similar to those from claims 12 and 13. Applicant submits that the prior art fails to teach or suggest an apparatus including all of the recited features of the claim. As shown in FIG. 6, Mueller discloses that its CCD lines 12 and 62 and its laser diode lines 11 and 61 are disposed on both sides of the phosphor plate 15. Therefore, Mueller does not disclose the claimed line sensor disposed on only one side of the stimuable phosphor sheet or the linear light source disposed on only one side of the stimuable phosphor sheet, in combination with the remaining limitations of claim 1. Accordingly, claim 1 is allowable over the prior art.

Claims 2-6 and 14-16 are allowable over the prior art at least because of their dependence from claim 1 and because the secondary references fail to make up for Mueller's deficiencies.

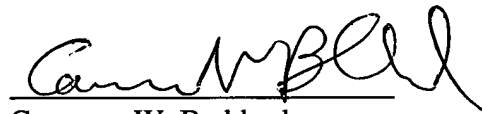
With further regard to claim 14, the claim describes a moving device for the radiation absorbing plate. The Examiner appears to contend that such a device is inherent in Ohta. However, the removal of the sheet does not necessitate a moving device for the radiation member since the removal of the sheet can be by an operator. The case of In re Bell dictates that an apparatus claim not be rendered unpatentable by acts performed by an operator. In re Bell, 26 USPQ 2d 1529 (Fed. Cir 1993). Therefore, claims 14 is patentable for at least this reason.

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In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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